

# Exhibit 3

SUPREME COURT  
TRIAL TERM

NEW YORK COUNTY  
PART 51

-----x

THE PEOPLE OF THE STATE OF NEW YORK : Ind #  
: 5259-02  
:  
:  
:  
AGAINST : CHARGE  
: G.L. 1  
D. KOZLOWSKI & M. SWARTZ, :  
Defendants :  
-----x Trial

10013

100 Centre Street  
New York, New York

April 27, 2005

B E F O R E:

HONORABLE: MICHAEL OBUS,  
JUSTICE OF THE SUPREME COURT

APPEARANCES: (Same as previously noted)

COURT OFFICER: Come to order,  
part 51 is now in session.

THE COURT: Good morning. I  
understand we are waiting for one juror.  
Just with regard to the motions for the  
trial order of dismissals, I have  
considered the arguments made yesterday  
along with the record of the motions for

1 Kozlowski-Direct

2 the record.

3 A. My name is Dennis, Leo Dennis  
4 Kozlowski, I go by Dennis, and I live in Palm  
5 Beach County, Florida.

6 THE COURT: Please go ahead  
7 Mr. Kaufman.

8 MR. KAUFMAN: Thank you.

9 DIRECT EXAMINATION

10 BY MR. KAUFMAN:

11 Q. Good morning.

12 A. Good morning.

13 Q. Mr. Kozlowski, why are you here today  
14 testifying before this jury?

15 MS. DONNELLY: Objection.

16 THE COURT: I'll permit that,  
17 overruled.

18 A. I'm here today testifying to the  
19 ladies and gentlemen of this jury so I can  
20 explain to them why I'm innocent of all of  
21 these charges.

22 Q. Are you aware of the charges against  
23 you?

24 A. Yes I am.

25 Q. Did you commit any of the crimes

1 Kozlowski-Direct

2 charged in the indictment?

3 A. No I did not.

4 Q. Did you ever intend to commit any  
5 crime while you were the Chief Executive  
6 Officer of Tyco?

7 A. I never intended to commit any crime  
8 at all when I was the Chief Executive Officer  
9 of Tyco.

10 Q. Did you ever receive any compensation  
11 from Tyco that you did not believe you had  
12 earned?

13 A. No I did not.

14 Q. Did you ever receive any bonuses from  
15 Tyco that you did not believe you were  
16 entitled to receive?

17 A. Certainly not.

18 Q. Did you ever misuse the Tyco loan  
19 program?

20 A. No I did not.

21 Q. Did you ever misuse the Tyco  
22 Relocation Program?

23 A. No, I had many relocations at Tyco  
24 and never misused any program.

25 Q. Did you ever steal money from Tyco?

1 Kozlowski-Direct

2 A. Absolutely not.

3 Q. In reference to Tyco, did you ever  
4 intentionally mislead investors or investment  
5 analysts?

6 A. No I did not.

7 Q. Did you ever falsify business records  
8 at Tyco?

9 A. I never falsified business records at  
10 Tyco.

11 Q. Did you ever conspire with anyone at  
12 Tyco to commit a crime?

13 A. I never conspired with anyone at Tyco  
14 to commit a crime.

15 Q. Did you ever aid or abet anyone at  
16 Tyco to commit a crime?

17 A. No, I did not.

18 Q. What was your most recently held job?

19 A. My most recently held job was  
20 Chairman and Chief Executive Officer of Tyco  
21 International.

22 Q. Is that a large company?

23 A. It is by virtually any measure, sales  
24 or market capitalization, Tyco usually fell  
25 within the top 25 companies in the world in